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Attorneys for Defendant  
 MERCK & CO., INC. and Defendants  
 and Counterclaimants, MERCK SHARP &  
 DOHME CORP. and ISIS  
 PHARMACEUTICALS, INC.

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

GILEAD SCIENCES, INC.,

Plaintiff and Counterdefendant,

v.

MERCK & CO., INC. (Defendant only), MERCK  
 SHARP & DOHME CORP., and ISIS  
 PHARMACEUTICALS, INC.

Defendants and Counterclaimants.

Case No. 5:13-cv-04057-BLF

**DEFENDANTS' ADMINISTRATIVE  
 MOTION TO FILE UNDER SEAL**

Date: December 10, 2015  
 Time: 9:00 a.m.  
 Ctrm: 3, 5th Floor  
 Judge: Honorable Beth Labson Freeman

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1 In accordance with Civil Local Rules 7-11 and 79-5, Defendant Merck & Co., Inc. and  
2 Defendants and Counterclaimants Merck Sharp & Dohme Corp. and Isis Pharmaceuticals, Inc.  
3 (“Defendants”) respectfully moves this Court for leave to submit the following material under seal:

- 4 • The highlighted portions of page 1, line 17; page 3, lines 5 and 6; pages 4 and 5, and page  
5 24, lines 16 and 18 of Defendants’ Opposition to Gilead’s Motion for Summary Judgment  
6 of Invalidity;
- 7 • Exhibits 1, 2, 3, 4, 54, 55, and 57 to the Declaration of Mitchell Epner in Support of  
8 Defendants’ Opposition to Gilead’s Motion for Summary Judgment of Invalidity “Epner  
9 Declaration”);
- 10 • Paragraphs 41-45, 50-57 and 69 of Exhibit 56 to the Epner Declaration; and
- 11 • The highlighted portions of page 9 of Opposing Party’s Response and Supporting  
12 Evidence to Moving Party’s Undisputed Facts.

13 Accordingly, Defendants respectfully request that the Court grant this motion for administrative  
14 relief and allow Defendants to file the previously identified confidential documents under seal.

15 DATED: November 12, 2015

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28 By: /s/ Stephen S. Rabinowitz  
Stephen S. Rabinowitz

Attorneys for Defendant MERCK & CO.,  
INC. and Defendants and Counterclaimants  
MERCK SHARP & DOHME CORP. and  
ISIS PHARMACEUTICALS, INC.

**CERTIFICATE OF SERVICE**

I certify that all counsel of record are being served on November 12, 2015 with a copy of this document via the Court's CM/ECF system.

/s/ Stephen S. Rabinowitz  
Stephen S. Rabinowitz